

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

BUD'S WOODFIRE OVEN, LLC d/b/a  
AVA'S PIZZERIA

and

Case 05-CA-194577

RALPH D. GROVES, AN INDIVIDUAL

**GENERAL COUNSEL'S EXCEPTIONS TO  
THE DECISION OF THE ADMINISTRATIVE LAW JUDGE**

Pursuant to Section 102.46 of the Board's Rules and Regulation, the General Counsel submits the following Exceptions to the Decision of the Administrative Law Judge (ALJ), the Honorable Michael A. Rosas, which was issued on May 18, 2018. Specifically, the General Counsel except to the following:

**Exception 1:**

The ALJ's conclusion that Charging Party Ralph Groves was not engaged in concerted activity when he spoke on behalf of employees during an employee staff meeting in response to Respondent's admonition of the staff. (ALJD 8:24-31).<sup>1</sup>

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<sup>1</sup> References to the Administrative Law Judge's decision appear as (ALJD page number: line number).

**Exception 2:**

The ALJ's finding that Groves did not engage in protected activity when he spoke about working conditions that affected all kitchen employees during an employee staff meeting in response to Respondent admonition of the staff. (ALJD 8:34-35).

**Exception 3:**

The ALJ's determination that there was no corroboration of employee concerns regarding General Manager Brian Ball's conduct in the kitchen. (ALJD 8:25-28).

**Exception 4:**

The ALJ's determination that Groves' comments were solely personal gripes. (ALJD 8:23-25, 39:47).

**Exception 5:**

The ALJ's determination that Groves' comments were directed at working conditions that affected all of the kitchen employees, but did not constitute Section 7 activity. (ALJD 8:34-35).

**Exception 6:**

The ALJ's determination that Groves' comments failed to lay the foundation for meaningful dialogue about employees' terms and conditions of employment, thus making it unprotected. (ALJD 8:39-41).

**Exception 7:**

The ALJ's determination that Groves' comments were calculated to undermine Ball's managerial prerogative. (ALJD 8:46 - 9:1-3).

**Exception 8:**

The ALJ's determination that Groves' comments encroached on a management prerogative which had nothing to do with terms and conditions of employment. (ALJD 9:3-4).

**Exception 9:**

The ALJ's finding that Respondent's arbitration agreement does not discriminate against employees in the exercise of their rights to pursue relief under the Act in violation of Section 8(a)(4). (ALJD 11:17-18).

**Exception 10:**

The ALJ's conflation of the General Counsel's position with Respondent's argument regarding the applicability of the *Boeing Co.*, 365 NLRB No. 154 (December 14, 2017) decision in assessing Respondent's arbitration agreement. (ALJD 9:24-26).

**Exception 11:**

The ALJ's failure to rule on the General Counsel's request for a notice mailing. (ALJD 12: 18-30).

Date: June 29, 2018

Respectfully submitted,

**/s/ Oluwatosin Fadarey**

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